THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 20288 OF 2007

DATED:24-09-2007

Between:

Smt.B.Leelavathi and seven others

… Petitioners

And :

Greater Visakhapatnam Municipal Corporation,
Visakhapatnam

… Respondent

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 20288 OF 2007

ORAL ORDER

The writ petition is filed alleging that the respondent is attempting demolition of the structures executed by the petitioners in a site of an extent of 506.66 square yards in Sy.No.142 of Maharanipeta Ward, Block No.5, Krishnanagar area, Visakhapatnam.

According to the petitioners, the building plan submitted by them was approved by a proceedings dated.19-12-2006 of the respondent permitting construction of a ground floor for parking + three upper floors. The petitioners assert to be proceeding with the construction only in accordance with the approved plan. While so it is alleged, without any notice under Section.452 or 636 of the Hyderabad Municipal Corporation Act, 1955 (as is applicable to the respondent-Corporation), the authorities of the respondent approached the property on 22-09-2007 proposing demolition along with a demolition squad. In the circumstances the writ petition is filed.

The learned Standing Counsel for the respondent Sri N.Ranga Reddy submits that the respondent cannot and will not pursue demolition without following the due process of law namely under Sec. 452 or 636 of the Hyderabad Municipal Corporation Act, 1955. It is however submitted that the respondent is statutorily obligated to restrain any person from making deviant constructions and contrary to the sanctioned plan.

In the light of the averments made on behalf of the respondent, the

writ petition is disposed of at the stage of admission directing the respondent not to resort to demolition in the petitioners' premises without following the due procedure and issuance of notice under Section.452 or 636 of the Hyderabad Municipal Corporation Act, 1955. However, if there be any deviations in the construction by the petitioners the respondent shall forthwith inspect the premises and shall stop further construction. For demolition however, the respondents shall follow the procedure indicated above.

In the circumstances there shall be no order as to costs.

GODA RAGHURAM,J

24th SEPTEMBER 2007
Note:
Issue CC
As soon as
Possible
(B/O)
***TSNR**